

Weather Forecast

Continued warmer this afternoon and evening. Temperatures today—Highest, 91, at 4 p.m.; lowest, 55, at 6:15 a.m.

From the United States Weather Bureau Report. Full Details on Page A-2.

Closing N. Y. Markets—Sales, Page 14.

90th YEAR. No. 35,769.

WASHINGTON, D. C., MONDAY, APRIL 6, 1942—THIRTY-SIX PAGES.

NIGHT FINAL SPORTS

(U.P. Means Associated Press.)

THREE CENTS.

JAP ATTACKS GAIN IN BATAAN AT HEAVY COST

Late News Bulletins

Navy Sinks Jap Freighter and 2 Tankers

The Navy announced the sinking of an enemy freighter and two Japanese tankers in a communiqué issued late today. A United States submarine sank the freighter in Japanese waters. The tankers, heavily laden, were sunk near the Caroline Islands while a Navy submarine was on patrol in that area. One of the tankers fired on the submarine, but it escaped undamaged.

Allied Bombers Blast Jap Ships at Rabaul

SYDNEY, Australia (AP)—Large Japanese vessels in Rabaul harbor were hit by United States and Australian bombers today, the Sydney Morning Herald reported. The raiders also damaged airdromes at Rabaul and at Gasmata, both in New Britain, the paper said. The raids were described as "among the heaviest yet made by the Allies."

Torpedoed Kearny Back in Service

The U. S. S. Kearny, American destroyer torpedoed in the North Atlantic on October 17, 1941, has been completely repaired and again is operating with the fleet, the Navy announced late today. Struck while aiding a convoy under attack by German submarines nearly two months before the United States entered the war, the Kearny had her starboard side opened and the overhead deck blown out.

President Gets Lanham Bill; Randolph Seeks Zoning Change

The House today completed legislative action on the Lanham bill authorizing an appropriation of \$50,000,000 for wartime housing and related public works in Metropolitan Washington, and sent it to President Roosevelt for signature.

Final action came in the form of approval of the conference report on the long-sought legislation.

Chairman Randolph of the District Committee introduced a bill designed to provide additional housing facilities here. It would, in effect, circumvent the zoning law by allowing dwellings in certain restricted areas to open their doors to roomers and boarders.

Hope that the Randolph bill would soon be enacted into law was voiced by Representative Concanan, Democrat of Missouri immediately following its introduction.

"It seems to me," he told the

House, "this is really an emergency measure and should be acted upon at the earliest possible date."

"With thousands of people seeking homes in the District and the population continuing to increase it is foolish to deny the use of dwellings to house defense workers."

"I want to express the hope that the District Committee will hold a hearing on the bill at an early date."

Of the \$50,000,000 authorized in the Lanham bill, \$30,000,000 is earmarked for housing facilities for Government workers, and the remaining \$20,000,000 for such community facilities as extensions to water and sewer services and additional school and hospital accommodations.

House approval of the conference report on the legislation came after a 20-minute discussion during which its sponsor, Chairman Lanham of (See LANHAM, Page 2-X.)

British Skipper Says Freighter Was Sunk by Italian Sub

MIAMI, Fla., April 6.—The captain of a medium-sized British freighter, sunk in the Western Atlantic, said today that it was an Italian submarine that sank the ship.

One member of the crew who died of a heart attack was the only casualty when the submarine torpedoed and shelled the vessel, Capt. J. J. Egerton said. The remaining 57 in the ship's company were picked up after 42 hours in lifeboats and were taken to Nassau, where the sinking was announced March 17.

"I am certain the sub was of the large Italian class," said Capt. Egerton, a graying, 64-year-old veteran of more than 40 years at sea, after he and the other survivors were brought to Miami.

"After we abandoned ship, the sub circled our four lifeboats and

the captain shouted out to ask us whether we were all right and whether we needed anything. He spoke very good English, but it was easy to tell that it was an Italian talking English and not a German."

"Then he hoisted the Italian flag just before waving goodbye."

The attack occurred in broad daylight, Capt. Egerton related, but the men saw nothing of the submarine or the torpedo until it crashed into the boiler room "and stopped the ship completely."

The men abandoned ship immediately. The sub surfaced, fired 10 or 12 shells, then used another torpedo to sink the blasted hulk.

Many of the crewmen had been on torpedoed vessels before. One of them, Anthony W. Cox, 21-year-old senior wireless operator, said he "wasn't nearly as worried at the last time, when I was aboard a benzine tanker that I was afraid was going to blow up."

2-year-olds in the half-mile opener. The change from Eddie Moyer to Red Howell worked wonders in Firelegs' form. The filly broke on top today and sped the distance in 0:48.3-5 to pay \$23.70. The Archer entry of Little Bud and Bell Soma finished as named. It paid \$8.30 second and \$11.90 third.

Weather conditions were perfect. The track was lightning fast. Johnny Gilbert was being engaged to pilot the fleet Liberty Pan in the \$5,000 Kindergarten here Wednesday.

Jap Planes Unchallenged Over Burma, Tokio Claims

(Earlier Story on Page A-1.) TOKIO (From Japanese Broadcasts), April 6.—A Domei dispatch dated "the Burma front" said today that "complete Japanese aerial supremacy over Burma was demonstrated yesterday when not a single enemy plane challenged Japanese planes which swept over a certain enemy air base to destroy one bomber and three fighters on the ground."

"Destruction of 103 enemy planes in a series of Japanese air raids in the period between March 21 and 31 is believed to have shattered the fighting spirit of the enemy air remnants," the dispatch added.

Treadway Sees Sales Tax As Likely Revenue Resort

Representative Treadway, Republican of Massachusetts told the House today he had come to believe that Congress might have to resort to a general retail sales tax in order to raise the \$7,000,000,000 in new revenue President Roosevelt has requested.

Month-long hearings by the Ways and Means Committee, he said, have produced witnesses who have opposed almost every recommendation of Secretary of the Treasury Morgenthau to find the money.

Supreme Court Declares Ship Strike a Mutiny

5-to-4 Decision Sets Aside Labor Board Reinstatement Order

By the Associated Press.

Sit-down strikes on vessels docked in United States ports were outlawed by the Supreme Court today in a 5-to-4 decision which said that "a rebellion by seamen against their officers on board a vessel anywhere within the admiralty and maritime jurisdiction of the United States is to be punished as mutiny."

Justice Byrnes delivered the opinion which, through the court's application of the Federal mutiny statute, set aside a Labor Board order directing the Southern Steamship Co. of Philadelphia to reinstate seamen who went on strike July 18, 1938, aboard the vessel City of Port Worth at Houston.

Justice Byrnes asserted that the reinstatement order could not be applied because the seamen by engaging in the sit-down strike had violated the mutiny statute.

Board's Contention Overruled. The majority opinion overruled the Labor Board's contention that the Wagner Labor Act permitted a reinstatement order even though the men had engaged in a sit-down strike.

"The board," Justice Byrnes asserted, "has not been commissioned to effectuate the policies of the Labor Relations Act so single-mindedly that it may totally ignore other and equally important congressional objectives."

Another provision of the board's order, directing the company to bargain collectively with the C. I. O. National Maritime Union, was upheld.

Justice Reed wrote the dissenting opinion, in which Justices Black, Douglas and Murphy concurred.

Left Up to Congress. Justice Byrnes said that Congress, in the anti-mutiny legislation, had outlawed such a strike and "if this mandate is to be changed it must be changed by Congress and not by the courts."

"Ever since men have gone to sea," the majority opinion said, "the relationship of master to seaman has been entirely different from that of employer to employee on land. The lives of passengers and crew, as well as the safety of ship and cargo, are entrusted to the master's care. Every one and everything depend on him. He must command and the crew must obey. Authority cannot be divided."

Discussing the sit-down strike, Justice Byrnes said: "It may hardly be disputed that each of the strikers resisted the captain and other officers in the free and lawful exercise of their authority and command . . . or that they combined and conspired to do so."

Defied Direct Commands. "Deliberately and persistently they defied direct commands to perform their duties in making ready for the departure from port. . . . There is no dispute that they undertook to impose their will upon the captain and officers."

"A sweeping requirement of obedience throughout the course of a voyage is certainly not without basis in reason. The strategy of discipline is not simple. The maintenance of authority hinges upon a delicate complex of human factors. Congress may very sensibly have concluded that a master whose orders are subject to the crew's veto in port cannot enforce them at sea."

The damage to the Normandie at New York was cited by Justice Byrnes as "an enough proof that the hazard of fire is ever present and that a sit-down strike might result in injury to a vessel."

Unlawful From Inception. "We cannot ignore the fact that this strike was unlawful from its very inception," Justice Byrnes said, and "directly contravened the policy of Congress."

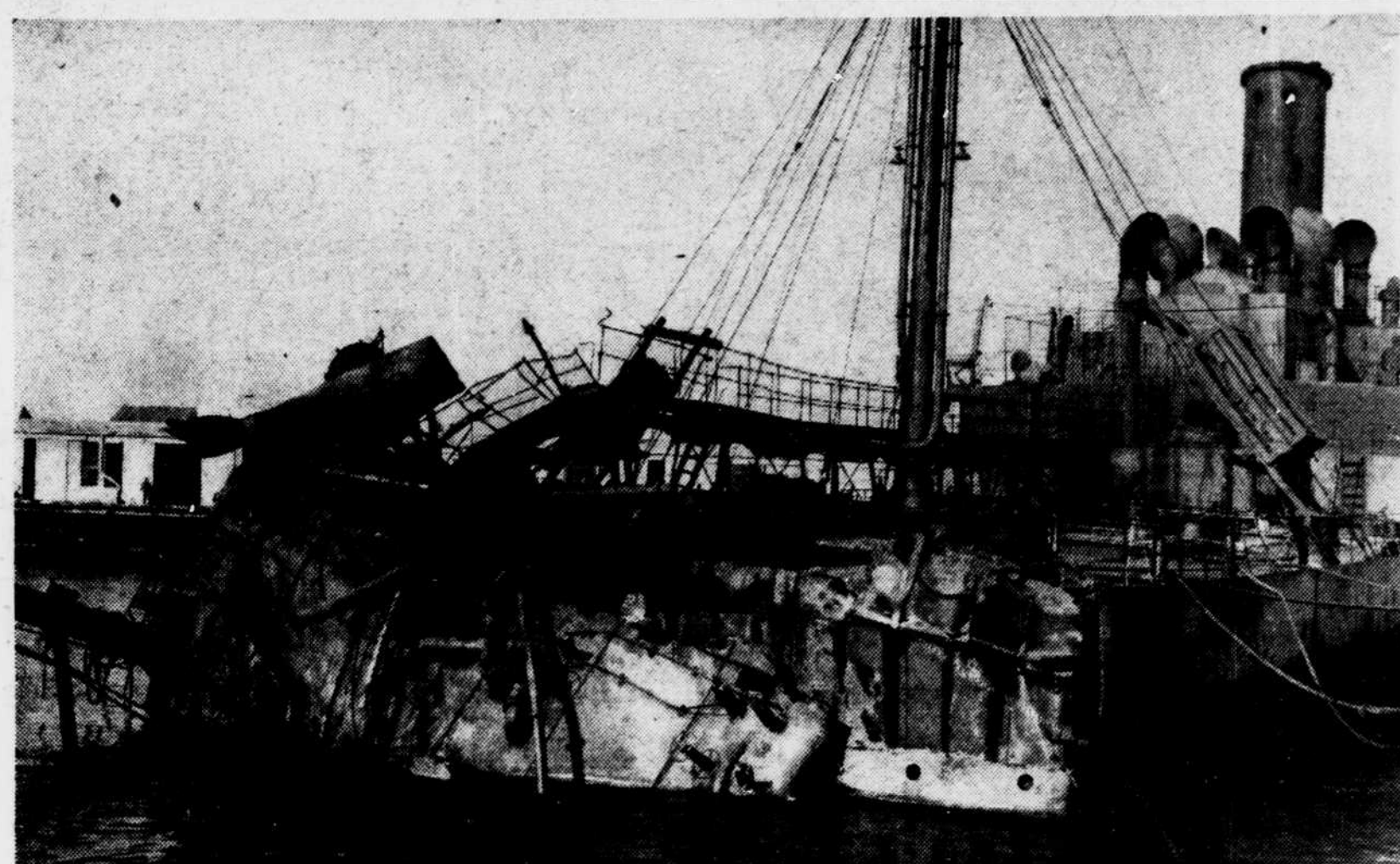
"It should be stressed," the majority opinion added, "that the view we have taken does not prevent the redress of grievances under the (Wagner) Act. At any time following the certification of the N. M. U. in January, 1938, the union and the board could have secured the assistance of the courts in forcing performance (steamboat company) to bargain."

"The importance of seeking such assistance promptly is strikingly illustrated in this case. Had the union and the board done so, the unfortunate occurrence at Houston might have been averted. And what is more, nothing that we have said would prevent the union from striking, picketing or resorting to any other means of self-help, so long as the time and place it chooses do not come within the express prohibition of Congress."

The dissenting opinion, Justice Reed said that the court had held previously that employees guilty of "criminal acts" in connection with a sit-down strike were not eligible for reinstatement under the Wagner Act.

"Nothing approaching such disorder occurred here," the dissenting opinion added. "The seamen's conduct did not affect the safety of the vessel. The only evidence of violation of the statutes is that the orders to load were ignored."

"We may assume, for this dissent, that this resulted in a violation of the criminal statutes. The board found that the respondent refused to bargain collectively with the (See SUPREME COURT, Page 2-X.)



MOREHEAD CITY, N. C.—PIECE OF BLASTED TANKER MAKES PORT—Its stern sliced off by blasts from Axis subs, the bow of this tanker was brought into port here. The Navy approved release of this picture today, at the same time announcing

ing that three merchant ships have put into port safely after incidents with enemy submarines at sea. It said one was a large Panamanian ship, one a large United States ship and one a medium-sized United States ship. —A. P. Photo.

Biddle Said to Favor Lifting of Anti-Trust Laws in Some Cases

Legislation Would Give Immunity in Situations Vital to War Program

By the Associated Press.

Chairman Van Nuys of the Senate Judiciary Committee told reporters today that Attorney General Biddle had expressed his approval of the objective of legislation which would permit wartime suspension of the anti-trust laws in certain cases.

Mr. Biddle discussed the measure with the committee in a closed session.

The legislation would give statutory immunity to violation of the anti-trust laws for acts or omissions requested by the Government and certified by the chairman of the War Production Board as necessary to the war program.

Senator Van Nuys said Mr. Biddle also discussed the Justice Department's policy toward enemy aliens and prosecution of sedition.

Mr. Biddle, the Senator said, testified that the department would seek in defining sedition to distinguish between mere expressions of opinion and statements based on alleged facts that were untrue.

Also, Senator Van Nuys said, the department would distinguish in its prosecution between "a systematic, continuous and organized effort" and an isolated outbreak.

However, he added, even expressions of opinion, if deliberate and continuous "might have so vicious an effect" as to warrant prosecution in some cases.

President Would Protect Emblem of Red Cross

By the Associated Press.

President Roosevelt asked Congress today to forbid the use of the name or symbol of the Red Cross by private individuals or business concerns.

He sent to Speaker Rayburn a letter from Acting Secretary of State Sumner Welles asserting that "the protection of the words 'Red Cross' and 'Geneva Cross,' which was important in times of peace, is even more important now that we are at war."

Mr. Welles said many firms now are using the Red Cross emblem. Under terms of a bill the President requested Congress to enact, these firms would be given one year in which to discontinue the practice. Violators of the proposed law would face a possible fine of \$5,000 or one year imprisonment.

Stimson Requests Congress to Create New War Medal

Secretary of War Stimson

asked Congress today to create a new decoration—the "legion of merit" award.

It would be awarded to personnel in the armed forces of the United States and those of friendly nations and to civilians connected with national defense who distinguished themselves by "exceptionally outstanding conduct in the performance of essential service" during the war, the Secretary said.

"There does not now exist any decoration, which we can award for a course of conduct by an individual, which is characterized by being outstanding and essential to our national defense, as distinguished from a specific act or service," the Secretary wrote Speaker Rayburn.

Pepper Would Have President Freeze All Prices and Wages

Opposition Develops in Senate to Sliding Scale Profits Curb

(Earlier Story on Page A-1.)

By J. A. O'LEARY. While opposition developed in the Senate to a committee-approved sliding scale war profits limitation measure, Senator Pepper, Democrat of Florida proposed today that all prices and wages be frozen by presidential proclamation.

Uninjured, they are Walter Tolson, 15, of 1332 Farragut street N.W.; Eugene Fry, 17, of 117 Ingraham street N.W.; and John Scott, 16, of 4306 Arkansas avenue N.W. Tolson, owner of the boat, said a strong gust overturned the boat.

Ira Coleman, 51, 921 O street N.W., was brought to Providence Hospital late today, the District's first heat victim of 1942.

The mercury reached 83 at 4 o'clock yesterday afternoon, the hottest it had been here since last October 5, when the high was 96 degrees.

The forecast indicates some more of the same is possible, with continued warm this afternoon and mild weather tonight in prospect.

Ninth-Inning Rally Gives Nats 6-to-3 Victory Over Phils

Kvasnick Is Knocked Unconscious in Crash Into Left-Field Fence

Totals: R. H. E.
Washington 6 8 2
Philadelphia 3 6 2

By BURTON HAWKINS, Star Staff Correspondent.

JACKSONVILLE, Fla., April 6.—Scoring 3 runs in the ninth inning the Nats broke a 3-to-3 tie to defeat the Philadelphia Phils, 6 to 3, here today.

FIRST INNING.

NATIONALS—Case fouled to Etten. Glossop threw out Spence. Vernon walked. Glossop dropped Campbell's pop fly for an error, but recovered and threw to May to catch Vernon attempting to take third.

PHILS—L. Waner singled to center. Glossop flied to Spence. Northerly walked. Croucher hit into a double play, May to Glossop to Etten.

PHILS—Warren walked. Burich popped to Reppas. May hit into a double play, Reppas to Croucher to Etten.

THIRD INNING. NATIONALS—Leonard singled to left. Case walked. Spence flied to Northerly, the runners holding their bases. Croucher hit into a double play, Reppas to Croucher to Etten.

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PHILS—Blanton flied to Campbell. (See BASEBALL, Page 2-X.)

\$100,000,000 Sought

Congress was asked today by the Federal Works Agency to provide another \$100,000,000 for construction of access roads to military and naval reservations, to defense industries and to sources of raw materials.

Mercury Soars To 91 Degrees; Heat to Continue

It's not the humidity, it's the heat. The temperature soared to 91 at 4 o'clock this afternoon, and long-time Washington residents cast knowing glances at complaining newcomers.

But, the Weather Bureau pointed out, the relative humidity was a mere 41 this afternoon, making this a comparatively comfortable Washington day.

A 15-foot sloop capsized with three youths in the Anacostia River just below Sousa Bridge this afternoon, but they managed to swim, with their craft in tow, to the Anacostia seawall before the harbor police arrived.

Uninjured, they are Walter Tolson, 15, of 1332 Farragut street N.W.; Eugene Fry, 17, of 117 Ingraham street N.W.; and John Scott, 16, of 4306 Arkansas avenue N.W. Tolson, owner of the boat, said a strong gust overturned the boat.

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Two Indian Ports Hit As British Search For Jap Carriers

Madras Area Is Raided By Planes From Ceylon

(Earlier Story on Page A-1.)

Punctuating Japan's broadcast threats to invade India, carrier-based planes bombed two Indian coastal towns in the first enemy assaults on India proper today, even while British warships hunted the naval force from which the attacks sprang.

The ports attacked were Vizagapatnam and Cocanada, both cities of about 40,000 population on the coast of Madras Presidency, respectively about 400 and 300 miles north-east of Madras City.

Vizagapatnam is one of the five most important ports of the Tinnevely maritime district of North-eastern Madras.

The Japanese force in the Bay of Bengal was believed to include at least one, and possibly two, aircraft carriers—the floating bases from which the Eastern front attack was launched on Colombo, Ceylon.

An official announcement at New Delhi, besides telling of the raids, said that the Japanese force recently had attacked merchant ships of the United Nations. The Japanese warships could be based either on Singapore, Britain's fallen Gibraltar of the East, or on the Andaman Islands.

The air arm of the raiders undoubtedly had been crippled, with the destruction, probable destruction or damaging of 57 planes yesterday over Ceylon. Naval experts at London said British warships were seeking to find the foe and destroy him.

Author of 'The Ladder,' Free Tickets Play, Dies. SAN ANTONIO, Tex., April 6.—J. Frank Davis, who wrote "The Ladder," religious play which a Texas oil man staged on Broadway free to the public, was found dead in bed at his home today. He was 71 years old.

Mr. Davis wrote the play at the request of Edgar B. Davis, oil operator, a close friend since boyhood, but no relation.

"The Ladder," which expressed an idea of reincarnation without creed or cult, opened in October, 1926, but proved a flat failure. The Texas oil man spent more than \$150,000 on it, including cash awards for best weekly criticisms, ticket refunds and finally free admissions.

Mr. Davis was born at New Bedford, Mass., December 20, 1870. At various times he was a special writer for the old Boston American, managing editor of the Boston Tribune, political writer for the Boston Herald and city editor of the Boston Traveler.

Injuries suffered on a Gloucester fishing vessel while en route to meet Admiral Peary forced him to retire from active newspaper work. In 1911 he came to San Antonio and since has made his home here, writing fiction and plays.

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High School Destroyed By Fire and Explosions

By the Associated Press.

HOBBS, N. Mex., April 6.—The \$80,000 Hobbs High School Building was destroyed by fire and ensuing explosions early today.

One of the blasts tore away walls supporting a section of the roof and several firemen barely reached ladders before it collapsed.

Cause of the blaze remained a mystery as authorities began an investigation.

Enemy Shells Beach Defenses From Barges

American-Filipino Troops Are Resisting Assaults Stubbornly

(Earlier Story on Page A-1.)

Japanese assault troops, in repeated attacks on the American forces on Bataan, have "made some gains" at a heavy cost in casualties, the War Department said in a communiqué late today.

The third day of virtually continuous enemy hammering saw the Japanese shelling the American-Filipino beach defenses with artillery mounted on barges, and sending dive-bombers in to support the surge of their picked infantry against the defending ground forces.

The War Department communiqué admitted that the Bataan stone-wall defense was beginning to wear somewhat, but stated that our troops were "resisting stubbornly."

One Plane Downed. The Corregidor fortress was left alone today by Japanese bombers—whose pilots have learned by bitter experience to respect the marksmanship of American anti-aircraft gunners. One Japanese plane was shot down by ground fire elsewhere, however.

The Japanese attacks in the last two days of heavy fighting have been concentrated on the right center of the American line and it was presumed that it was in this sector that the gains had been made.

The attempt to shell the beach defenses from barges was not highly successful, the communiqué stated. Most of the shells, fired at the east coast defenses, fell short.

Landing Attempts Broken Up. Japanese attempts to land troops from barges over the week end had been broken up, a communiqué issued earlier in the day said, and it was apparent that the accuracy of American light artillery emplacements along the beaches was keeping the barge-borne Jap artillery at a distance.

The action on Bataan has assumed a major character during the last three days and the developments led observers to believe that the Japanese were willing to press the offensive without regard for casualties.

Prosecutor Closes Case Of Boy Killed by Sentry

By the Associated Press.

TEANECK, N. J., April 6.—Prosecutor John J. Breslin, Jr., of Bergen County closed today as far as civil authorities were concerned the case of Raymond Lufkin, 16, killed by an Army sentry's bullet last Friday night.

Mr. Breslin conferred with Capt. Whitney Turley and Milton Erdel, then said: "I am satisfied there was no criminal negligence, so there is nothing my office can do. It is a matter for the military authorities."

Mr. Breslin had earlier described the shooting as accidental.

The sentry, Pvt. Rufus Cheatham of Vidalia, Ga., is under technical arrest pending an Army inquiry.

Sikorski Back in Britain

LONDON, April 6. (P.)—Gen. Wladyslaw Sikorski, Premier of the Polish government in exile, returned to Britain today from the United States. He flew in a British bomber.

Late Races

Earlier Results, Ross van's, Other Selections and Entries for Tomorrow on Page 2-X.

Bowie

FIFTH RACE—Purse, \$2,000; added. 4-year-olds and upward. 3-year-olds and up. 6 furlongs. Bowyer (Haskin) 24.70 2.90 6.10 Johnnie J. (Polard) 8.10 5.30 Macchia (McCom) 5.10 Time, 1:12 1/2.

Also ran—Clide Tolson, Riding Light, Madras.

SIXTH RACE—Purse, \$1,500; claimant. 4-year-olds and upward. 6 furlongs. Sherrin (Haskin) 5.30 5.10 2.50 Bill's Sister (Wahler) 3.10 4.20 Neutrality (Merritt) 6.00 Time, 1:13 1/2.

Also ran—Thrift Shop, Blue Lily, Gino Balpy Spring (Jenny).

SEVENTH RACE—Purse, \$1,000; claimant. 4-year-olds and upward. 1 1/4 miles. Anphelies (MacAndrew) 8.40 5.40 Jefferson (Seabrook) 9.20 8.50 Stem-Winder (Caffarella) 8.30 Time, 1:10 1/2.

Also ran—Handicap, Wariel, Okapilla, Grandeur, Bold Risk, Wee Scot, Truda and Scarer.

GUIDE FOR READERS